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EXAMINER

TRAN, KHOI H

ART UNIT

PAPER NUMBER

3651

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/22/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/533,423

Applicant(s)

GUDEHUS ET AL.

Examiner

Khoi H. Tran

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3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

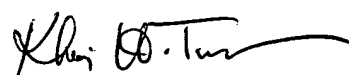
## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
KHÔI H. TRAN  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transport and feeding systems being able to "take storing units out of the rack shelves..." must be shown or the features canceled from claims 1 and 3. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: Headings corresponding to appropriate sections are required per USPTO standard practice.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 3 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The original specification does not support the transport and feeding systems being able to actively "take storing units out of the rack shelves...". The original specification and drawings only show that the transport and feeding systems only able to receive the pallets.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-22 are replete with antecedent basis

problems. Some of the examples are given below. Applicant is required to carefully inspect and amend the claims accordingly.

7. Claim 1, line 5, "rack shelves" lacks antecedent basis. Line 7, it is not distinct which element is being referred to as "same". Line 8, "providing station" lacks positive identification. It is not distinct whether the station is actually part of the claimed combination. Line 11, it is not distinct which element is being referred to as "same". Line 11, "at least one driving track" lacks positive identification. It is not distinct whether the track is actually part of the claimed combination. Line 12, "at least one commissioning shelf" lacks positive identification. It is not distinct whether the shelf is actually part of the claimed combination. Line 14, "the storing places" lacks antecedent basis.

Claim 3, line 7, it is not distinct which element is being referred to as "same". Line 8, "at least one first area" lacks positive identification. It is not distinct whether the first area is actually part of the claimed combination. Line 12, it is not distinct which element is being referred to as "same". Line 13, "a second area" lacks positive identification. It is not distinct whether the second area is actually part of the claimed combination.

Claim 6, "the transport units" lacks antecedent basis. It is not distinct which units Applicant is referring.

Claim 7, "at least one driverless transport vehicle" lacks antecedent basis. It is not distinct which vehicle Applicant is referring.

Claim 9, the phrase "rail-like" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "x-like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

Claim 10, "connecting means" lacks positive identification. It is not distinct, which connecting means Applicant is referring. It is not distinct whether the first area is actually part of the claimed combination.

Claims 11 and 12, the phrase "...is designed such that..." renders the scope of the claim indefinite. The actual combination to enable the claimed function is not distinct.

Claims 16 and 20, it is not distinct whether the providing station is in fact an intermediate buffer.

Claims 17 and 21, it is not distinct whether the providing station is in fact a store.

Claim 18, it is not distinct whether the providing station is in fact a commissioning place.

Claim 19, it is not distinct whether the providing station is in fact a supply and removal area of manufacturing spot.

Claim 22, it is not distinct whether the position data is in fact state data.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodson, III et al. (U.S. Patent No. 6,129,497).

Woodson, III et al. '497 disclose a warehouse and storage system per claimed invention. The system comprises storage area having rack modules and rack plates including rack shelves for storing goods on pedestals (Figures 1 and 3). The system comprises a floor-bound vehicle that rides on tracks 33. The system comprises a feeding system working floor-free (Figures 1 and 2) having a traversing unit 3 with load receiving means 23 for taking out the pedestals from the rack shelves. The system comprises a computerized control system for controlling automatic movements of the vehicle and the feeding system. It is obvious that state data of respective automated equipment is collected by the computer control system in order to provide automatic controls of the entire system. It is obvious that the collected data is used to synchronize equipment movement and to prevent collision among the automated equipments.

Woodson, III et al. '497 is silent as to the travel destination of the track-guided vehicle. Nevertheless, it is obvious for one of ordinary skill in the art to have directed the vehicle to any locations, inside or outside of the storage area, as long as guide tracks are being provided.

10. Claims 1-22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zollinger et al. (U.S. Patent No. 3,978,995).

Zollinger et al. '995 disclose a warehouse and storage system per claimed invention. The system comprises storage area having rack modules and rack plates including rack shelves for storing goods on pallets (Figures 2 and 3). The system

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comprises at least one aisle between the rack plates. The system comprises a floor-bound vehicle 200 that rides on tracks 18 within the aisle. The system comprises a feeding system working floor-free (Figures 2 and 3) having a traversing unit 100 with load receiving means 150 for taking out the pallets from the rack shelves. In another disclosed embodiment demonstrated in Figure 5, the system comprises a feeding system working floor-free having a traversing unit 200V with load receiving means 280 for taking out pallets from the rack shelves. The system comprises a computerized control system for controlling automatic movements of the vehicle and the feeding system. It is obvious that state data of respective automated equipment is collected by the computer control system in order to provide automatic controls of the entire system. It is obvious that the collected data is used to synchronize equipment movement and to prevent collision among the automated equipments. Zollinger et al. '995 is silent as to the travel destination of the track-guided vehicle. Nevertheless, it is obvious for one of ordinary skill in the art to have directed the vehicle to any locations, inside or outside of the storage area, as long as guide tracks are being provided.

### ***Conclusion***

11. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H. Tran whose telephone number is (571) 272-6919. The examiner can normally be reached on Monday-Thursday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Khoi H Tran  
Primary Examiner  
Art Unit 3651

KHT  
02/18/2007